

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL NO. 3:07CV420-GCM

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
APPROXIMATELY \$207,87.43 SEIZED)
FROM CERTIFICATES OF DEPOSIT AT)
FIRST CHARTER BANK AND SHELBY)
SAVINGS BANK,)
)
Defendant.)

**ORDER AND DISMISSAL
(CONSENT ORDER)**

THIS MATTER is before the Court on the government's motion, and by consent of all five claimants herein, to lift the stay and to dismiss the complaint in accordance with the settlement of the parties.

As set forth in the motion, the parties have agreed to the following terms of settlement, which are hereby approved and made a part of this order:

8. The parties have subsequently agreed to settlement of all forfeiture matters in this civil case by the return of all defendant funds, currently estimated at \$201,970.53 (reflecting the release of \$5,000.00 prior to the criminal trial), together with interest actually earned following seizure, as determined by IRS, to claimants Hai David Nguyen, Tony Van Nguyen, and Van T. Nguyen, through their attorney, Melissa Owen, and that the complaint shall be dismissed with prejudice.

9. In consideration of the release of the defendant funds to claimants Hai David Nguyen, Tony Van Nguyen, and Van T. Nguyen, all claimants hereby release and forever discharge the United States, its agents, servants and employees, and all state or local law enforcement agencies and their agents, servants and employees, from any and all actions, causes of action, suits, proceedings, claims, and/or demands whatsoever in law or equity which they or their heirs, successors, or assigns ever had, now have, or may have in the future in connection with the seizure of this property and related litigation, including attorney fees.

It is therefore ORDERED:

1. The stay of this case is lifted.
2. The complaint is dismissed with prejudice.
3. The government shall return the defendant property to claimants Hai David Nguyen, Tony Van Nguyen, and Van T. Nguyen, through their attorney, Melissa Owen, together with interest actually earned following seizure, as provided in the motion.
4. All parties shall bear their own costs, including attorney fees.

SO ORDERED.

Signed: July 9, 2012

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

